

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EVERETTE LAMAR MARSH, JR.,)
)
 Plaintiff,)
)
 v.) 1:15CV567
)
DAVIDSON COUNTY JAIL,)
)
 Defendant(s).)

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina, submitted a Letter complaining about conditions at the facility where he is housed. Given the nature of the allegations, the Court treated the matter as a civil rights action pursuant to 42 U.S.C. § 1983. However, the form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

1. The filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed or signed by Plaintiff, to permit review.
2. The Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission. See LR 7.1(e).

3. There are significant problems with Plaintiff's claims. Many of the claims pertain to other prisoners. However, Plaintiff may only bring his own claims for alleged violations of his federal rights. He must also name the persons who allegedly violated his rights. If other prisoners wish to raise claims, they must request the proper forms and file their own cases. Plaintiff also mentions certain issues with his state court criminal case or bond. Those issues are not related to his housing conditions and would have to be raised, if at all, in a separate action, likely a Petition for a writ of habeas corpus under 28 U.S.C. § 2241 for which Plaintiff must request the proper forms. Plaintiff should also be aware that this Court does not ordinarily intervene in state court criminal matters.

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present Complaint. To further aid Plaintiff, the Clerk is instructed to send Plaintiff new § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation. The Clerk is instructed to send Plaintiff § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited above.

This, the 17th day of September, 2015.

/s/ Joi Elizabeth Peake
United States Magistrate Judge